IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 19781 of 2007(E)

PETITIONER:

M/S.VINAYAKA TIMBERS AND WOOD CRAFTS, ANANDAPPALLY ADOOR REPRESENTED BY ITS MANAGING PARTNER, SRI.N.H.SARMA, RESIDING AT 'PRASANTH', ANANDAPPALLY P.O., ADOOR - 691 523.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY DEPARTMENT OF INDUSTRIES, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, KOZHENCHERRY P.O., PATHANAMTHITTA.**

3. **THE DISTRICT MANAGER, THE KERALA FINANCIAL CORPORATION, PATHANAMTHITTA BRANCH, PATHANAMTHITTA.**

BY GOVERNMENT PLEADER SRI.M.R.SABU
BY ADV. SRI.V.B.UNNIRAJ, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.19781/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE APPLICATION FOR ENLISTING UNDER SICK UNIT REHABILITATION PROGRAMME SUBMITTED BY THE PETITIONER ON 16.3.05.

EXT.P2:- COPY OF THE LETTER NO.R/491/05 DT. 10.5.05 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P3:- COPY OF THE LETTER NO.R/491/05 DT. 10.5.05 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P4:- OP MEETING HELD ON 31.5.05 PREPARED BY THE 2ND RESPONDENT.

/TRUE COPY/

P.S. TO JUDGE

tsS

ANTONY DOMINIC, J.

W.P.(C) 19781 OF 2007

Dated: December 7, 2007

JUDGMENT

Ext.P1 is an application made by the petitioner to the 2nd respondent for declaring it to be a sick unit and for the benefit of rehabilitation. The pendency of the said application without orders has compelled the petitioner to file this writ petitioner.

2. The learned Government Pleader on instructions submits that it is for want of concurrence from the 3rd respondent that orders have not been passed.

3. The learned Standing Counsel for the 3rd respondent submits that the 3rd respondent is not willing to give such concurrence on account of the huge outstanding that is due from the petitioner.

4. In terms of the provisions of the scheme by which Ext.P1 application has been made, it is for the 2nd respondent to consider the application. Now that the 3rd respondent has also made its stand known in the matter, there is no point in awaiting for their concurrence.

5. Therefore, I dispose of this writ petition directing that the 2nd respondent shall consider the claim made by the petitioner in Ext.P1 and take a final decision in the matter. However, before final orders are passed,

the parties interested in the matter including KFC, shall be given notice. This the 2nd respondent shall do within 8 weeks of receipt of a copy of this judgment. The petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

ANTONY DOMINIC, JUDGE

mt/-